IN THE HIGH COURT OF PUNJAB HARYANA CHANDIGARH

C.W.P.No.5111 of 2006

Date of decision: 28-5-2007

Amritsar Bhatinda Transport Cooperative Society Limited.

.....Petitioner

Versus

The State Transport Commissioner-cum- Regional Transport Authority and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Shri H.S.Sawhney, Senior Advocate, assisted by
Shri Rajinder Sharma, Advocate, for the petitioner

Shri N.S.Virk, Additional Advocate General Punjab

K.S.GAREWAL,J.

Amritsar Bhatinda Transport Cooperative Society Limited applied for permits on the Tarn Taran-Pathankot route via Amritsar-Batala and Gurdaspur, and was granted four regular stage carriage permits to operate two return trips on the said route. However, the petitioner sought increase of return trips from 2 to 8 because there was demand from the public and services from Tarn Taran to Pathankot were too few. One bus would be having only one trip on the route covering 135 kms per day which was also inadequate. The petitioner's application was considered

alongwith a large number of other applications concerning increase of trips on the Amritsar-Pathankot route. Petitioner's application was rejected alongwith applications of the 16 other transporters on February 28, 2003.

Since none of the other transporters had sought an extension on the Tarn Taran - Pathankot route, the petitioner felt justifiably aggrieved for having been clubbed alongwith the others. Petitioner filed an appeal before the State Transport Appellate Tribunal but it was dismissed on December 9, 2005. The Tribunal held as under:-

> "It is true that an integrated route Pathankot to Tarn Taran has been granted to this appellant against its 4 permits with 2 return trips, yet the fact is that major portion of this route is from Pathankot to Amritsar, on which the RTA has decided to grant new permits as it is expedient to do so, rather than granting increase of return trips on the portion of this route. From that angle, increase in trips to the appellant is not warranted by the public interest. Commuters keen to visit Pathankot from Tarn Taran can definitely catch a bus from Tarn Taran to Amritsar and dis-embark at Amritsar and then board another bus from there to Pathankot. This appeal is also as such found to be without merit."

Learned counsel for the petitioner submits that the route was surveyed. In survey report Annexure P-3, the recommendation of the Secretary, Regional Transport Authority who conducted survey was as under:-

> " In view of the position explained above, the request of the

applicant society for the grant of proposed increase in trips on the said route is justified. The single length of the route is 134 Kms. With the increase of return trips from 4 to 8 the mileage will become 2144 Kms whereas 536 kms are covered with one permit. It is not feasible to cover this mileage by one permit with one bus. I therefore, recommend the increase in return trips from 2 to 7 return trips daily is the public interest."

While it is true that the route from Amritsar to Pathankot is where there is most traffic. It cannot be denied that there could be passengers from Tarn Taran who may also want to proceed beyond Amritsar on the Amritsar-Pathankot section. Many passengers may not want to go right upto Pathankot and could well get off at any of the other important stops on the way like Kathu Nangal, Batala, Dhariwal, Gurdaspur and Dina Nagar. Sometimes passenger are old, while some are young children accompanying their parents. Some passengers may be carrying heavy luggage. For such passengers it becomes somewhat difficult to change buses at Amritsar, if they have to proceed further towards Pathankot.

Therefore, the recommendation made by the Secretary, Regional Transport Authority, Annexure P-3 should have been properly considered. The recommendation was increase from 2 trips to 7 return trips in public interest. We feel that if the increase is from 2 return trips to 4 return trips, it would adequately meet the demand of passengers and also make the route more viable for the transport society.

Consequently, this petition is allowed. The order of the State Transport Commissioner rejecting the increase in trips and the order

dismissing the appeal are hereby set aside. The petitioner shall be granted increase from 2 return trips to 4 return trips on the Tarn Taran to Pathankot route, in accordance with law, sobject to fulfilling all terms and conditions.

(K.S.GAREWAL)
JUDGE

(AJAI LAMBA)
JUDGE

May 28, 2007
RSK